

BILL ANALYSIS

Senate Research Center
85R7157 SLB-D

S.B. 976
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Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 976 relates to the dissolution of the Falls County Water Control and Improvement District No. 1 (district). S.B. 976 dissolves the district and authorizes the transfer of title of certain assets and the obligations of the district to the City of Marlin (city).

The district was created for the purpose of developing a flood control program, and entered into an agreement with the city and other parties to acquire property rights necessary for the construction of three flood retention structures that are related to the Brushy Creek reservoir, which is a recommended water management strategy in the state water plan for the city and has been designated by the Texas Legislature as a site unique for reservoir construction. Subsequent to acquiring those property rights with public funds, the district voted to dissolve pursuant to Section 51.793, Water Code, and its citizens approved dissolution at an election held in 2009.

The district retains ownership of easements that were acquired with public funds and are essential to the Brushy Creek reservoir, which the city is relying on to meet future water supply needs. The city also contributed funds to the district for the purchase of the easements. Progress on the Brushy Creek reservoir has been delayed by the district's actions, and the project cannot move forward without the necessary easements. The Act provides a mechanism for the preservation of this public property purchased with taxpayer funds for its intended purpose by transferring the assets and obligations of the district to the city, and dissolving the district in accordance with the wishes of its electorate.

As proposed, S.B. 976 amends current law relating to the dissolution of the Falls County Water Control and Improvement District No. 1.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. DEFINITIONS. Defines "city" and "district."

SECTION 2. LEGISLATIVE FINDINGS. Sets forth legislative findings regarding the dissolution of the Falls County Water Control and Improvement District No. 1 (district).

SECTION 3. DISSOLUTION OF DISTRICT AND TRANSFER OF ASSETS AND OBLIGATIONS. (a) Provides that on the effective date of this Act, the district is dissolved and has no legal authority to take any action, and authorizes the transfer of the assets and obligations of the district to the city. Provides that the city bears the responsibility of transferring the title to the district's assets to the city and of assuming the district's obligations.

(b) Requires the county clerk of Falls County, the commissioners court of Falls County, and any district court with jurisdiction over a matter related to the provisions of this Act to take notice of this Act as an authorization to transfer the title of the assets to the city and assume the district's obligations on application or petition by the city.

SECTION 4. NOTICE. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 5. Effective date: upon passage or September 1, 2017.